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BY ECF AND EMAIL

MEMO ENDORSED

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July 25, 2023

Hon. Katherine Polk Failla
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007
Failla_NYSDChambers@nysd.uscourts.gov

Re: *A&E Television Networks, LLC v. Big Fish Entertainment, LLC, et al.*, No. 22-CV-07411

Dear Judge Failla:

We represent Plaintiff A&E Television Networks, LLC (“AETN”) in the above-captioned action. The parties write to respectfully request that the deadline for AETN to seek leave to move to strike certain affirmative defenses set forth in the Answer filed by Defendants Big Fish Entertainment, LLC, Half Moon Pictures, LLC, and ReelzChannel, LLC (collectively, “Defendants”) be extended through and including August 11, 2023.

On June 16, 2023, the Court issued an Opinion and Order denying Defendants’ Motion to Dismiss (the “Order”) (ECF No. 48). Pursuant to the Order, Defendants filed their Answer on July 7, 2023 and asserted therein certain “Affirmative and Other Defenses” (the “Defenses”) (ECF No. 49). The current deadline for AETN to move to strike the Defenses under Rule 12(f) of the Federal Rules of Civil Procedure is July 28, 2023.

On July 18, 2023, in an effort to potentially avoid motion practice, AETN sent a letter to Defendants requesting that by July 26, 2023, Defendants withdraw or otherwise articulate the plausible factual basis for certain of the Defenses (the “July 18 Letter”). On July 24, 2023, Defendants’ counsel requested until August 1, 2023 to provide a substantive response to AETN’s July 18 Letter. Given that this date falls after the current deadline under Rule 12(f), an extension would be needed to accommodate that request.

Accordingly, the parties respectfully request an extension through and including August 11, 2023 to allow them to discuss this matter in good faith, and for AETN to determine whether motion practice on this issue is necessary.

Respectfully submitted,

/s/ David L. Yohai

cc: All Counsel (via email)

Application GRANTED.

The Clerk of Court is directed to terminate the motion at docket entry 53.

Dated: July 26, 2023
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla". The signature is written in a cursive, flowing style.

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE